

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
	§	CASE NUMBER 4:17-CR-00065
v.	§	JUDGE MAZZANT/JUDGE JOHNSON
	§	
	§	
CLIFFTON EARL-SHANE JONES,	§	

**REPORT AND RECOMMENDATION OF
UNITED STATE MAGISTRATE JUDGE**

Pending before the Court is *pro se* Defendant’s Motion to Dismiss with Prejudice (Dkt. 50) and Motion to Quash Indictment (Dkt. 53) (collectively, the “Motions”). The Court held a hearing on the Motions on September 25, 2017. Defendant moves the Court to dismiss the Indictment pursuant to the Federal Rule of Civil Procedure 12(b) (Dkt. 50). Further, Defendant argues the Indictment should be quashed for multiple reasons (Dkt. 53). The Federal Rules of Civil Procedure do not apply to criminal cases. Further, the Court has previously found that the Indictment properly sets forth sufficient notice of the charge and underlying facts supporting the charge. *See* Dkt. 44. For these reasons, and those stated on the record, the Court finds the Motions (Dkts. 50, 53) should be **DENIED**.

Within fourteen (14) days after service of the magistrate judge’s report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1)(C). The parties are directed to Local Rule CV-72(c) for page limitations on objections.

A party is entitled to a *de novo* review by the district court of the findings and conclusions contained in this report only if specific objections are made, and failure to timely file written objections to any proposed findings, conclusions, and recommendations contained in this report

shall bar an aggrieved party from appellate review of those factual findings and legal conclusions accepted by the district court, except on grounds of plain error, provided that the party has been served with notice that such consequences will result from a failure to object. *Id.*; *Thomas v. Arn*, 474 U.S. 140 (1985); *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

SIGNED this 25th day of September, 2017.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE